UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,298	09/15/1999	JEFFREY M. HARRINGTON	4965.00	8579

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EXAMINER
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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/397,298	HARRINGTON, JEFFREY M.
	Examiner	Art Unit
	Thu V Huynh	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 November 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21,23-30 and 71-127* is/are pending in the application.

    4a) Of the above claim(s) *71-127* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21 and 23-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/24/04 & 01/6/05</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: IDS and amendment filed on 11/24/2004;

and IDS filed on 01/06/05 to application filed on 09/15/1999.

2.   Claims 1 and 17 are amended.

3.   Claims 1-21 and 23-30 and 71-127 are pending in the case. Claims 1-21 and 23-30 are

pending for examination.

4.   The objection of claim 1 having typographical error has been withdrawn in view of the

amendment.

5.   All previous rejections have been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

7.   **Claims 1-2, 4-21 and 23-30 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over <u>Hidary</u> et al., US 5,774,664 -filing date 3/25/1996, in view of <u>Wu</u> et al.,

US 6,326,982 B1, filed 06/24/1999, <u>Mighdoll</u> et al., US 2001/0003823 A1, filed 06/1998, and

<u>Schaffa</u> et al., US 5,973,685, filed 07/1997, and <u>Hills</u> et al., US 6,239,797 B1, filed 04/1998

Regarding independent claims 1, Hidary teaches the steps of:

-     displaying an audio-visual program (Hidary, col.8, lines 18-44);

- receiving a command to retrieve a web page, including an address for use in retrieving information to construct the web page (Hidary, col. 3, lines 26-38 and col.4, lines 28-56, receiving a video program with command to retrieve web pages using addresses (URLs) and further retrieving information to "present[s] the web page on one portion of the computer screen with the television video signal");

- retrieving the information using the address (Hidary, col. 3, lines 26-38; col.4, lines 28-56; and col.5, lines 32-46; web addresses (URLs) are retrieved from a server site);

- constructing the web page prior to display on the display device in order to produce the constructed web page (Hidary, col. 3, lines 26-38; col.4, lines 28-56; and col.5, lines 32-46; teaches presenting a web page on one portion of the computer screen with the television video signal. This inherently discloses that the web page must be constructed, such as mapping of web page content to a portion of the screen prior to display the constructed web page with the television video signal);

- commanding the constructed web page be displayed on the display device based upon timer event information transmitted with the command or a show command (Hidary, col. 3, lines 26-38; col.4, lines 28-56; and col.5, lines 32-46, simultaneously displaying the constructed web page on display device and television video program based upon a timestamp associated with the URL transmitted with the command); and

- wherein the web page is related to the audio-visual program (Hidary, col.8, lines 18-44).

While teaching receiving a video program with command to retrieve web pages using addresses (URLs) embedded in the video program. Another Hidary's embodiment teaches that a

server provides URL to the user. However, Hidary does not explicitly disclose a hidden staging frame and a pre-fetch push command.

Wu teaches command is used to obtain and construct the web page. The command includes layout information instructing client machine to construct the web page prior to display (Wu, col.2, line 66 – col.3, line 20; col.4, lines 19-39; col.7, lines 21-54; col.11, lines 45-55; receiving electronic program schedule information with command to instruct client machine to obtain and construct at least a web page prior to display, URL layout parameters provide instructions for mapping web content on television screen)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined the Hidary and Wu to construct the web page prior to display, since the layout parameter would have provide instructions for mapping the web content on the television screen as Wu disclosed.

Mighdoll teaches receiving a pre-fetch command to retrieve web pages (Mighdoll, [0109]-[0120]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Mighdoll into Hidary to provide a prefetch command for the client to prefetch web pages related to the video program in a cache, since the combination would have improved the speed of retrieving such web page web pages as Mighdoll suggested in paragraph [0109].

Schaffa teaches server uses pushing and pulling types to delivery information to the user (Schaffa, col.1, lines 57-64 and col.2, lines 49-67; "programs are pre-stored in a server which can be "push" or "pull" type").

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined Schaffa's pushing or pulling type into Mighdoll and

Hidary to send the video program or/and prefetch command, since the combination would have

provide types for the server to delivery information, such as the server enable to push or pull the

video program and/or prefetch command to the user.

Hills teaches using a hidden frame to populate data into a display frame of a web page

(col.3, lines 34-48; figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined Hills into Hidary to provide a hidden frame for

constructing the web page, since the combination would have populated the data into a display

frame without rebuild an entire HTML page and/or refresh the screen as Hill suggested in col.2,

lines 15-21.

Regarding claims 2, which is dependent on claim 1. Refer to the rationale relied to reject

claim 1, Hidary or Wu teaches wherein the receiving step comprises receiving timer event

information providing an indication of when to command the web page be displayed on the

display device, and the command step comprises commanding the constructed web page be

displayed based upon the timer event (Hidary, col.3, lines 32-37 and col.4, lines 53-56, the URLs

have associated timestamps which "indicate to the subscriber stations when, during the video

program, to display the particular Web pages addressed by the URLs". This inherently teaches a

trigger must be included to command the web page to be displayed at particular timestamp

associated with the URL; Wu, col.6, lines 44-65; col.11, lines 18-32 and 45-55; col.12, lines 7-60

and fig.10).

Regarding claim 4, which is dependent on claim 1. Hidary teaches the address

comprises a uniform resource identifier (Hidary, col.3, lines 29-30).

Regarding claims 5 and 6, which is dependent on claim 2. Refer to the rationale relied

to reject claim 2, the limitations of "wherein the timer event information comprises a particular

amount of time after receiving the pre-fetch push command at the expiration of which a trigger is

generated to actual the commanding step" and "wherein the timer event information comprises a

particular time at which a trigger is generated to actual the command step" are included. The

rationale is incorporated herein.

Regarding dependent claim 7, which is dependent on claim 1. Refer to the rationale

relied to reject claim 1, both Hidary and Wu teaches constructing the web page in a memory

module (Hidary, col. 3, lines 26-38; col.4, lines 28-56; and col.5, lines 32-46; Wu, col.7, lines

41-54; URL layout parameters provide instructions for mapping web content on television

screen). The rationale is incorporated herein.

Regarding dependent claim 8, which is dependent on claim 1. Hidary teaches a web

browser retrieving web page information (Hidary, col.3, lines 30-32).

Regarding dependent claim 9, which is dependent on claim 3. Refer to the rationale

relied to reject claim 1, both Hidary or Wu teaches the limitation of "wherein the step of

receiving a command comprises receiving a program concurrent with receipt of the command

instructing that the constructed web page be displayed"(Hidary, col. 3, lines 26-38 and col.4,

lines 28-56, receiving a video program with command to retrieve a web pages using addresses

(URLs) and further retrieving information to "present[s] the web page on one portion of the

computer screen with the television video signal"; Wu, col.2, line 66 – col.3, line20 and col.11,

lines 45-55, receiving electronic program schedule information with command to instruct client

machine to obtain and construct at least a web page prior to display). The rationale is

incorporated herein.

Regarding dependent claim 10, which is dependent on claim 9. Hidary teaches wherein

the program comprises a video program, audio program, or multimedia program (Hidary, col. 3,

lines 26-38 and col.4, lines 28-56).

Regarding dependent claim 11, which is dependent on claim 9. Hidary teaches wherein

the commanding step further comprises the step of transmitting the program and the constructed

web page to the display device for simultaneous display (Hidary, col.3, lines 30-37 and col.4,

lines 30-35).

Regarding dependent claim 12, which is dependent on claim 1. Refer to the rationale relied to reject claim 1, Hidary or Wu teaches the display device is a television (Hidary, col.2, lines 24-26; col.3, lines 19-36; Wu, col.7, lines 41-54). The rationale is incorporated herein.

Regarding dependent claim 13, which is dependent on claim 1. Refer to the rationale relied to reject claim 1, the limitation of "transmitting the program for display on a television and transmitting the constructed web page for display on the display device" is addressed. The rationale is incorporated herein.

Regarding dependent claim 14, which is dependent on claim 11. Hidary does not explicitly disclose the web page being overlaid on at least a portion of the display of the program.

However, Wu teaches the web page being overlaid on at least a portion of the display of the video data (Wu, col.5, lines 23-39 and col.7, lines 39-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Wu's superimposing display web page on video data into Hidary to provide different layout of display the web page, since the web page is able to superimposing display on video data or display in a split screen or in a picture in picture type.

Regarding claim 15, which is dependent on claim 1. Refer to the rationale relied to reject claim 1, both Hidary or Wu teaches the receiving, retrieving, constructing and commanding steps are performed by a personal computer, a television as explained above.

Hidary teaches implementing his invention in networks including the Internet, private networks, and wireless networks (Hidary, col.6, lines 39-41). He also teaches the delivery of program data in which the addresses are embedded via any transmission means, including satellite, cable, wire, or television broadcast (Hidary, col.4, lines 35-39).

It was known and typical in the art at the time of the invention for PCs, TVs, cable boxes, satellite boxes, radios, telephones, answering machines, wireless phones, wireless Internet devices, telephony devices for the deaf, and PDAs to all be common devices for receiving and sending signals using the transmission means disclosed by Hidary. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Hidary's invention in the listed devices. This would have fully utilized the invention's ability to be implemented in various transmission situations and would have allowed users limited to specific devices to use the invention.

Regarding claims 16, which is dependent on claim 1. Hidary teaches his invention as enabling advertisers to directly send their Web advertisements to users (Hidary, col 2, lines 24-65). Hidary also disclose on-line systems as offering a variety of content, including news, games, job services and more (Hidary, col 1, lines 21-28). It was known and typical in the art at the time of the invention for on-line systems such as the Internet to provide a plethora of content.

Claims 17-18, 20-21 and 23-30 are for an apparatus performing the method of claims 1-2, 4-5, 7-14 respectively and are rejected under the same rationale.

8.   **Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Hidary in view of Wu, Mighdoll, Schaffa, and Hills as applied to claims 1 and 17 above,

and further in view of Watanabe, US 6,163,803, filed 10/1998.

Regarding claim 3, which is dependent on claim 1. Hidary teaches utilize timing

information to indicate when URLs are to be transmitted and subsequently displayed (Hidary,

col.3, lines 42-52, sending a command for the retrieval and subsequent display of a web page

when the scheduled time is reached). However, Hidary does not explicitly disclose the command

is a show command.

Watanabe teaches receiving audio URL together with video signal; capturing and storing

the web information shown by the URL; and receiving a display command instructing that the

captured or stored web page be display (Watanabe, col.4, lines 28-46).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined Watanabe's display command into Hidary to include a

display command (show command) to display the captured, stored, or constructed web page to

the user, since this would have allow the user to control information to be view by inputting the

display command.

Claim 19 is for an apparatus performing the method of claim 3 and is rejected under the

same rationale.

Response to Arguments

9.   Applicant's arguments with respect to claims 1-21 and 23-30 have been considered but

are moot in view of the new ground(s) of rejection.

Applicant argues that "none of the references cited by the Examiner, taken alone or in

combination, disclose the user of a "hidden staging frame" as described in claims 1 and 17.

However, Hill teaches this limitation as explained in the rejection above.

Applicant argues that "Hidary does not disclose a pre-fetch push command <u>or any other</u>

<u>command to obtain a web page prior to display</u>".

This is not persuasive. Hidary clearly teaches such limitation as the following section:

"receiving a video program along with embedded uniform resource locators <u>(URLs)-which direct</u>

<u>the user's computer 16 to address locations, or Web sites, on the Internet 20 to retrieve related</u>

<u>Web pages</u>" (Hidary, col.4, lines 31-35) and "the URLs having associate time stamps which

indicate to the subscribe station when, during the video program, <u>to display the particular web</u>

<u>pages addressed by the URLs</u>" (Hidary, col.4, liens 53-56).

Applicant argues that "the layout information of Wu does not teach constructions of a

web page prior to display or a pre-fetch push command".

This is not persuasive. As applicant points out that "Wu of layout parameters providing

instructions for mapping web content on a television screen". If the layout information do not

instruct client machine to construct the web page prior to display, how and where the web page is

displayed with such layout information.

Applicant argues that Hidary and Wu does not disclose the pre-fetch push command to obtain a web page prior to display.

This is not persuasive. In the specification, applicant does not define what "pre-fetch push command" is. Refer to previous argument, applicant states that, wherein the pre-fetch push command "is used to obtain and assemble content, for example, a web page, prior to presentation on an associated machine ... pre-fetch push command may include any type of information instructing client machine to construct a web page prior to display". Hidary teaches the command is used to obtain the web page prior to presentation on an associated machine (Hidary, col.3 lines 25-35 and col.4 lines 30-35). Hidary inherently teaches a completely constructed page that is to be displayed on a client browser have all elements readily constructed, otherwise there would be nothing to display. Hidary further teaches that software modules can reside on the client side or server side where the URL codes are to be interpreted and their contents assembled (or constructed) (Hidary, col.5 line 25-46). Wu teaches command is used to obtain and construct the web page. The command includes layout information instructing client machine to construct the web page prior to display.

Moreover, Mighdoll teach prefect command as explained in the rejection above. Schaffa teaches server pushes or pulls information to the client (push and pull technique was also well known technique). Therefore, the combination of Hidary, Wu, Mighdoll, Schaffa, and Hill teaches the "pre-fetch push command" as applicant explained in the specification as well as in applicant's argument.

Applicant argues that Hidary does not disclose, "timer event information transmitted with

the pre-fetch push command".

However, the combination of Hidary, Wu, Mighdoll, Schaffa, and Hills teaches this

limitation as explained in the rejection above.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Barrick, Jr. et al., US 6,625,647 B1, filed 10/1999, teaches method for evaluating service

to a user over internet.

Shuster, US 6,389,458 B2, filed 10/1998, teaches method for directing access to content

on a computer network.

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Thu V Huynh whose telephone number is (571) 272-4126. The
examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Stephen S Hong can be reached on (571) 272-4124. The fax phone number for the
organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
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TVH
March 2, 2005

STEPHEN HONG
SUPERVISORY PATENT EXAMINER